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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Vincent GERUSZ et al.

Application No.: 09/923,198

Filed: August 6, 2001

For: **FUNGICIDE PHENYLIMINE DERIVATIVES**

Date: December 4, 2002

Group Art Unit: 1626

Examiner: Robert Gerstl

Box Response - No Fee
Commissioner for Patents
Washington, D.C. 20231

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1-15-03

AMENDMENT AND RESPONSE

This is a response to the Office Action mailed September 4, 2002, in the above-identified application. Reconsideration of the application is respectfully requested.

FEE CALCULATION

No additional fee is required for claims.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate petition is enclosed, the Director of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding office action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to Deposit Account No. 15-0700.

**Amendment and Response
Appl. No. 09/923,198**

AMENDMENTS

✓ If checked, amendment(s) to the specification and/or claims are submitted herewith.

Claims:

Please cancel claims 16 and 33 without prejudice.

Please amend claim 1 pursuant to 37 C.F.R. § 1.121(c)(i) as set forth in the "clean" version attached hereto as Appendix A. Entry is respectfully requested. A version with markings to show the changes made pursuant to 37 C.F.R. § 1.121(c)(ii) is attached as Appendix B.